REMARKS/ARGUMENTS

Favorable reconsideration of this application, as amended and in light of the following discussion, is respectfully requested.

Claims 1-23 are pending in this case. Claims 1, 2, 5, 8, 10, 11, 17, and 18 are amended to address informalities, correct an inadvertent error, and with support in the originally filed disclosure at least at Fig. 11 and at paragraphs [0094] and [0094] of the published Specification. Thus, no new matter is added.

The outstanding Office Action objected to Claim 5 and rejected Claims 1-23 as unpatentable over Kusaba, et al. (U.S. Patent No. 6,510,556, herein "Kusaba") in view of Jennings, et al. (U.S. Patent No. 7,191,244, herein "Jennings").

At the outset, Applicants and Applicants' representative thank Examiner Nguyen for the courtesy of an interview with Applicants' representative on March 1, 2010. The discussion during that interview is substantially repeated herein.

In view of the amendment to Claim 5, Applicants respectfully request that the objection to Claim 5 be withdrawn.

Applicants respectfully traverse the rejection of the pending claims.

The outstanding Office Action asserts Kusaba as teaching every element of Claim 1 except the data request transmitting means of the communication terminal and the data transmitting means of the server, which it asserts Jennings as teaching.

However, Kusaba fails to teach or suggest at least a reservation candidate acquiring means of the communication terminal and a reservation candidate generating means of the server as defined by amended Claim 1.

Specifically, as discussed during the interview, the schedule table of Kusaba fails to teach or suggest "reservation candidate information" as defined by amended Claim 1, because the schedule table contains the time table 421, shown at Figures 4C-4F of Kusaba,

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which shows the entire "present reservation situation," while Claim 1 defines the reservation candidate information as "**containing time information indicating** at least a start time corresponding to each of a **plurality of candidate time zones, <u>all of which are available for allocation of a reservation for download of the data</u>**."

During the interview, the highlighted blocks of the schedule table of <u>Kusaba</u> were discussed as possibly showing already-reserved times such that the schedule table indicates the times that are not highlighted as available for allocation. However, even if, *arguendo*, the highlighted areas show times that are unavailable for reservations, the schedule table of <u>Kusaba</u> would fail to teach or suggest reservation candidate information "**containing** time information...**all of which are available** for allocation of a reservation," as recited by amended Claim 1, because Claim 1 recites "containing" rather than "including" such that even the highlighted areas of the schedule table would have to be available for allocation of a reservation to teach the features of amended Claim 1.

Further, the discussion in <u>Kusaba</u> at column 4, line 57, to column 5, line 22, clarifies that the highlighting is not indicative of times available for reservation at all. First, a highlighted or already-reserved time may also be reserved and used by the current personal computer 123 if the user of the personal computer 123 is interested in the same title. Further, an apparently open (un-highlighted) reservation slot may not, in fact, be available for reservation if another reservation for the same title is made within a predetermined time of the desired (un-highlighted) time. Thus, even taking the highlighted areas into account, the schedule table does not indicate "a plurality of candidate time zones, all of which are available for allocation of a reservation," as recited by amended Claim 1.

Claim 2 further clarifies that reservation candidate information contains only the candidate time zones being available for allocation of a reservation by further defining that the reservation candidate generating means of the server "temporarily allocates in the

reservation table, reservations for the download corresponding to the time information included in the reservation candidate information." That is, every candidate time zone that is presented to the communication terminal is temporarily reserved for that communication terminal so that the communication terminal is free to select any one of the candidates.

The outstanding Office Action cites the write message at Fig. 3, 313 as teaching the features of Claim 2. However, as is clear from Fig. 3, the schedule table is sent to the personal computer 123 at 302 and a reservation is made at 303-305 before the write 313 is sent by the scheduler 105 to update the schedule table. Thus, Kusaba does not teach or suggest temporarily allocating any times to the personal computer 123 at the time that the schedule table is sent to the personal computer 123, as required by Claim 2.

Jennings fails to cure the above-discussed deficiencies of Kusaba and is not asserted to teach the features deficient in Kusaba with regard to Claims 1 and 2.
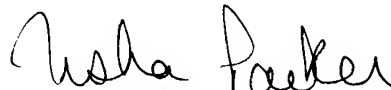
Independent Claims 8, 10, and 17, though differing in scope and/or statutory class from Claim 1, patentably define over Kusaba and Jennings for reasons similar to those discussed with regard to Claim 1.

Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1, Claims 2-7, which depend therefrom, Claim 8, Claim 9, which depends therefrom, Claim 10, Claims 11-16, which depend therefrom, Claim 17, and Claims 18-23, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are

believed to be in condition for formal allowance. An early and favorable action to that effect

is, therefore, respectfully requested.

Respectfully submitted,

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